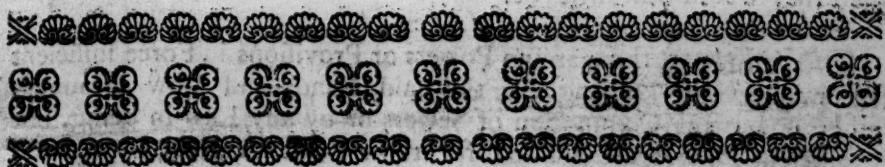


11 Geo 3. Cap 83

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Cap. 83.

[ 1 ]



11<sup>th</sup> George 3<sup>rd</sup> Private - c. 83.

A N

A C T



F O R

Draining and preserving certain Fen Lands,  
and Low Grounds, in Ladus Fen, in the  
Isle of Ely.

W H E R E A S certain Fen Lands, and Low Grounds, Preamble.  
lying in *Ladus*, otherwise *Ladwers*, otherwise *Laddoes Fen*,  
in the Parishes of *Elm* and *Upwell*, in the Isle of *Ely*, in  
the County of *Cambridge*, containing by Computation  
Thirteen Hundred Acres or thereabouts, and bounded  
as follows: viz. by *Elm Leam*, and the Lands called *Cromer*, Parcel  
of the said Fen, (excluding the said Lands) in part, by the Bank  
called *Needham Bank* in part, by the Bank of the River *Nene*, from  
*Dods Stile* to the embanked Lands of *Thomas Awdley Gentleman*,  
Parcel also of the said Fen, and by the said Lands excluding the  
same to the said Bank, and by the said Bank to the Lands of  
*Walter Robertson*, Esquire, also Parcel of the said Fen, in part, and  
by the said Lands of the said *Walter Robertson*, excluding the same,  
and the Lands of the Right honourable the Lord *Saint John of Bletsoc*,  
also Parcel of the said Fen, excluding the same, to *Elm Leam* afore-  
said, in part, are frequently overflowed with Water for want of a  
proper

A

proper Out-fall to Sea, and are thereby rendered of much less Value than they would otherwise be.

And whereas there are no Powers or Provisions in Force sufficient for draining and keeping dry the said Lands and Low Grounds, either under any Commission of Sewers or by any Law in being, but if sufficient Powers are granted for those Purposes great Benefit will accrue to the Owners and Proprietors thereof, and to the Publick.

*May it therefore please your MAJESTY,*

That it may be Enacted, and be it Enacted by the KING's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament assembled, and by the Authority of the same, That Sir Everard Buckworth, the Reverend John Fountayne, Dean of York; Thomas Awdeley, Thomas Audley, William Aakins, Clerk; Henry Burrough, Doctor of Laws; Basil Beridge, Clerk; Thomas Burrough, Henry Burrough, junior; Robert Colvile, Richard Colvile, William Davids, Francis Dixon, John Glenton, Edward Godfree, Henry Grundill, Thomas Hardley, William Howell, John Hines, Thomas Hines, Robert Johnson, Thomas Moore, Hugh Maplesden, John Miles, John Searle, Clerk; Daniel Swaine, John Stona, Richard Saf-fary, John Warren, Clerk; Thomas Jenkinson Woodward and Joseph Witton; shall be and they and their Successors, to be elected in Manner herein-after mentioned, are hereby appointed Commissioners for putting this Act in Execution.

And be it Enacted by the Authority aforesaid, That it shall and may be lawful, to and for the Right Reverend Edmund Lord Bishop of Ely, by Writing under his Hand to be certified at the first General Meeting of the said Commissioners, after the signing thereof, to appoint one other Commissioner for the putting this Act into Execution, and that the said Commissioner so to be appointed shall be, and is hereby vested with the same Powers and Authorities as the Persons herein before named and appointed Commissioners, are vested with by virtue of this Act.

Meeting of  
the Commissi-  
oners.

And be it further Enacted by the Authority aforesaid, That the said Commissioners shall meet Twice at least in every Year, to wit, on the First Tuesday in May and last Tuesday in August, and also at such other Time or Times as they shall see Cause or think convenient, and shall and may from time to time at any of their Meetings adjourn themselves, to such other Time or Times as they shall think proper, and meet again pursuant to such Adjournments, and that Five of the said Commissioners and no less a Number shall be deemed at all Times to make and constitute a Meeting, within the true Intent and Meaning of this Act, for doing

doing the Business, and carrying the Purposes thereof into Execution, except for the ordering of the Money herein-after mentioned, to be borrowed and taken up at Interest, pursuant to the Power given in and by this Act, and that the First Meeting to be held by virtue of this Act, shall be at the *Rose and Crown Inn*, in *Wifbeck Saint Peter's*, on the *Tuesday Three Weeks*, next after the Day of the passing thereof, and that the said several Meetings and Adjournments shall be holden alternately at *Upwell* and *Wifbeck Saint Peter's* aforesaid, and Ten Days Notice of every other Meeting (except of the First, and the said Two General annual Meetings) shall be given under the Hands of Three or more of the said Commissioners, and affixed at or near the Bridge in *Upwell* aforesaid, and the Bridge in *Wifbeck Saint Peter's* aforesaid.

**Provided always,** That no greater or larger Sum of Money Orders to be than Twenty Shillings in the whole, shall ever be paid or allowed, out made and re-  
of the Monies to be raised by virtue of this Act, for the Charges or voked, and  
Expences of any One of the Meetings of the said Commissioners, to Sum allowed  
at Commis-  
sioners Meet-  
ings.

Meetings to be held in pursuance thereof, by a Majority of the Commissioners present at such Meetings, and that no such Order or Determination of the said Commissioners, shall be revoked or altered at any subsequent Meeting, unless as large a Number of Commissioners as agreed to the making of such Order or Determination, shall be present and shall concur in the revoking or altering thereof.

**And be it further Enacted,** That when and so often as it shall happen that the said Commissioners herein-before mentioned, to be appointed by the said Lord Bishop of *Ely*, or any other Commissioner to be appointed by virtue hereof, by the Lord Bishop of *Ely*, for the Time being, shall die, or that when and so often as any other of the said Commissioners shall happen to die, it shall and may be lawful to and for the then Lord Bishop of *Ely*, to nominate and appoint One other Commissioner in manner aforesaid, in the Place and Stead of such Commissioner so appointed by the said Lord Bishop of *Ely*, as shall be then dead, and also to and for the surviving or other Commissioners, at either of their said General Meetings, to elect and appoint One or more Person or Persons, in the Place and Stead of such other Commissioner or Commissioners as shall be then dead, out of the Owners of Ten Acres, or Occupiers of Fifty Acres, of the said Lands and Fen Grounds so bounded and described as aforesaid; provided that no Person so elected (except such as shall be appointed as aforesaid, by the Lord Bishop of *Ely*) shall be qualified to act as a Commissioner under this Act, for any other or longer Time than he shall continue such Owner or Occupier of the said Lands or Grounds within the said Fen, and that upon his ceasing to be Owner or Occupier as aforesaid, the said Commissioners at their next or some other Qualification.

General

General Meeting, shall and may elect and appoint another Person, qualified as aforesaid, in the Place and Stead of each such disqualified Commissioner, in like Manner as if such Commissioner was actually dead, and all such new elected Commissioners shall be vested with the same Powers and Authorities, as the Commissioners in whose Places or Steads they were respectively elected or appointed, were vested with, until their becoming disqualified as aforesaid.

**Penalty on  
acting not  
being qualifi-  
ed.**

**Provided also, and it is hereby further Enacted,** That if any Person not being qualified as aforesaid (other than and except the Commissioners hereby particularly appointed and named, and such Commissioner as shall be appointed as aforesaid, by the Lord Bishop of *Ely*) shall presume to act as a Commissioner in the Execution of this Act, he shall for every such Offence forfeit the Sum of Fifty Pounds to be recovered with full Costs of Suit, by any Person or Persons who shall inform or sue for the same, in any of his Majesty's Courts of Record at *Westminster*, by Action of Debt, or upon the Case, Bill, Suit or Information, wherein no Essoign, Protection, Privilege, or Wager of Law, nor more than One Imparllance, shall be allowed, and in which Action or Suit, it shall be only necessary for the Plaintiff or Informer, to prove that the Defendant acted as a Commissioner in the Execution of this Act, and a Verdict shall be found against the Defendant, unless he shall prove in his Defence, that he was, at the Time of his so acting, qualified according to the true Intent and Meaning of this Act.

**Commission-  
ers Power to  
erect Works  
of Drainage.**

**And be it further Enacted** by the Authority aforesaid, That the said Commissioners shall have full Power, and are hereby authorized, from time to time, and at all Times hereafter, at their Wills and Pleasures, to dig up and take Earth from the said Lands and Fen Grounds, so bounded and described as aforesaid, or any of the adjacent Lands, and to cause to be made, raised, cut, built, set up, supported, widened and cleansed, all such Banks, Bridges, Cuts, Drains, Dams, Outlets, Mills, Engines, Sluices, or other Works in, through, or upon the said Lands and Grounds, or any of the Banks adjoining thereto, as they shall think necessary and convenient for draining and conveying the Waters from the same Lands and Grounds into the River *Nene*, through the Banks of the said River, paying to such Person or Persons, or Bodies corporate, as shall or may have a Right to the Lands or Grounds from which any such Earth shall be dug up or taken, or to the Banks, Lands or Grounds, through or upon which any such Bank, Bridge, Cut, Drain, Dam, Outlet, Engine, Mill, Sluice, or other Work, shall be made or erected, such Satisfaction for the Damages, he, she, or they shall thereby sustain, as shall be agreed upon, between the said Commissioners, and the Person or Persons, or Bodies corporate, having such Right as aforesaid, and if the said Commissioners, and Person or Persons, or Bodies corporate, having such Right as aforesaid, cannot agree upon the Value

Value and Amount of the said Damages, then paying such Satisfaction as shall be assed by the Justices of the Peace for the said Isle of Ely, or the major Part of them, not interested in the said Fen Lands and Grounds, at any General Quarter Session of the Peace, or Adjournment thereof, to be holden for the said Isle of Ely, within Twelve Months next after such Damages shall be done, and such Justices are hereby authorized and required to examine into, hear and determine the Value and Amount of such Damages, upon the Oath of One or more Witness or Witnesses, and their Determination shall be final and conclusive to all Parties; provided that if before any such Application to the said Justices, the Satisfaction agreed to be paid by the said Commissioners, to such Person or Persons, or Bodies corporate, as shall or may have a Right to the said Lands or Grounds, out of which such Earth shall be dug up and taken, or to the Banks, Lands or Grounds, in or through which any such Works shall be made or set up as aforesaid, shall by the said Justices be adjudged a sufficient Recompence for the Damages which such Person or Persons, or Bodies corporate, shall or may sustain thereby, then and in such Case the Costs and Charges of such Application to the said Justices, shall be borne and paid by the Person or Persons, or Bodies corporate, having a Right to the said Banks, Lands or Grounds, such Costs and Charges to be ascertained and taxed by the said Justices.

**Provided nevertheless,** That no Earth shall be taken from any such of the adjacent Lands not included in this Act, unless the Lands that are included in this Act, should be so overflowed with Water that no Earth can be got or taken therefrom within Fifty Yards of the Bank to be made or repaired by Virtue of this Act.

**And be it Enacted** by the Authority aforesaid, That the Commission-  
ers Power to  
destroy Moles.  
said Commissioners shall also have full Power, and are hereby autho-  
rized to destroy Moles, and other Vermin, in and about the Lands  
intended to be drained by virtue of this Act, and in and about the  
Lands and Banks adjoining or lying near thereto, and for that Purpose  
to employ such Person or Persons, at such Prices as they shall think  
proper, and that it shall and may be lawful to and for the said Person  
or Persons so employed by them the said Commissioners, from time  
to time to enter into and upon the said Lands so intended to be  
drained as aforesaid, and the Banks adjoining or lying near thereto,  
or any of them, for that Purpose.

**And be it further Enacted** by the Authority aforesaid, That Comission-  
ers may make  
Orders for the  
draining of  
the Lands,  
and may ap-  
point one or  
more Clerk or Clerks, Collector or Collectors, Receiver or Receivers,  
who are to  
account.  
and

and such other Officers with reasonable Salaries, for the making and taking Care of such Works, and for the collecting of the Rates and Assessments, which shall be made and assed for the making and maintaining thereof, or for any other Purposes of this Act, as they the said Commissioners shall think proper, and may from time to time remove any such Collectors, Clerks, Receivers or other Officers, and appoint others in the Room of such of them as shall be so removed, or shall die, and that every Collector and Receiver so to be appointed as aforesaid, before he or they shall act in the Execution of their several Offices, shall give such Security to the said Commissioners for the due Execution of the same, as the said Commissioners shall think proper, and that all the said Collectors and Receivers shall account and produce his or their Vouchers for all such Sum and Sums of Money as they shall receive or pay by virtue of their said Offices, at one of the said Two General Meetings in every Year, and pay over the Balance of such Accounts remaining in their Hands, if any such there be, unto the said Commissioners there assembled, or as they or the major Part of them shall direct or appoint.

Commitment  
of Officers  
not account-  
ing.

**Provided, and it is hereby further Enacted** by the Authority aforesaid, That if any such Collector or Collectors, Receiver or Receivers, shall neglect or refuse to Account for any Sum or Sums of Money by him or them collected or received in pursuance of this Act, to the said Commissioners at any One of their said General Annual Meetings, or to pay over the Balance remaining in his or their Hands, to the said Commissioners there assembled, or as they shall appoint, then and in either of the said Cases it shall and may be lawful to and for Two or more Justices of the Peace for the said Isle of Ely, to inquire of and concerning such Neglect or Refusal, and if any such Collector or Receiver shall be convicted thereof, upon the Oath of One or more Credible Witness or Witnesses, then the said Justices shall upon such Conviction commit such Collector or Receiver to the Common Gaol of the said Isle, there to remain until he or they shall have made a full, true and perfect Account and Payment as aforesaid.

Commission-  
ers may lay  
Rates.

**And be it further Enacted** by the Authority aforesaid, That it shall and may be lawful, to and for the said Commissioners at their First Meeting after the passing of this Act, and from time to time at their First General Meeting in every succeeding Year, to assess, rate, tax and charge, all and every of the Owners and Occupiers, of all and singular the said Fen Lands and Low Grounds, so bounded and described as aforesaid, except *Basil Beridge*, Clerk, his Heirs and Affigns, for or in respect only of the Lands of the said *Basil Beridge*, herein-after mentioned and described, and the Occupier or Occupiers of the said Lands, by an equal and proportionable Acre-tax in such Rate or Sum of Money, as they shall think proper, to be collected and paid as soon after the same shall be assessed and charged

as

as conveniently may be, provided that no such Assessment, Rate or Tax shall at any Time exceed the Sum of Two Shillings and Six Pence an Acre in each Year, or be less than Two Shillings an Acre in each Year, so long as any Sum or Sums of Money shall be due and owing thereupon.

**And whereas** the several Pieces or Parcels of Land, belonging to Certain Lands the said *Basil Beridge*, lying in the said Fen, called *Ladus*, otherwise to be only *Ladwers*, otherwise *Laddoes Fen*, within the Bounds and Limits of the half taxed. Lands and Low Grounds intended to be drained by virtue of this Act, in Four several Pieces, the First Piece thereof containing by Computation, Eleven Acres, the Second Piece Fourteen Acres, and the Third Piece Fifteen Acres, and the Fourth Piece Two Acres, making in the whole Forty-two Acres, be the same more or less, and lying together and bounded by the Banks of the said River *Nene*, *Thurlands Drove*, the Lands now of *Lawrence Banyer*, the Lands of *Robert Johnson*, and the Low Lands of the said *Basil Beridge*, are situated higher and are less liable to Inundations than the other Lands intended to be drained by virtue of this Act, **Be it therefore Enacted** by the Authority aforesaid, That the said *Basil Beridge*, his Heirs and Assigns, Owners and Proprietors of the said Lands, and all and every other Owner and Owners, Proprietor and Proprietors, and all and every Occupier and Occupiers thereof, shall from time to time be assessed, rated, taxed and charged by the said Commissioners, at their said Meetings for or in respect of the said Lands, at Half a Tax only, and that when the Owners or Occupiers of the said other Lands so intended to be drained as aforesaid, shall be assessed, rated, taxed and charged, at Two Shillings an Acre, the said *Basil Beridge*, his Heirs and Assigns, Owners and Proprietors of the said Lands, and all and every other Owner and Owners, Proprietor and Proprietors, and all and every Occupier and Occupiers thereof, shall be assessed, rated, taxed and charged, at One Shilling only, and so in Proportion for a greater or lesser Quantity than an Acre, or greater or lesser Sum than Two Shillings.

**And be it further Enacted** by the Authority aforesaid, That Lands to be surveyed, on or before the First Day of *August*, One thousand Seven hundred and Seventy-one, or as soon after as conveniently may be, all and singular the said Fen Lands and Low Grounds, so bounded and described as aforesaid, shall be truly and distinctly surveyed and measured by such Person or Persons as the said Commissioners at any of their said Meetings shall nominate and appoint for that purpose, and that such Survey shall be put into Writing and contain the Number of Acres, Rods and Perches in Statute Measure, belonging to each of the Proprietors or Owners of the said Lands and Grounds, and a Map thereof, made and delivered to the said Commissioners, as soon as may be after the same shall be compleated, at any of their said Meetings, and be verified by the Oath of such Person or Persons as shall so survey the same, (which Oath the

the said Commissioners, or any One or more of them, is or are hereby empowered to administer,) and that the said Map shall be a sufficient Warrant and Authority to the said Commissioners, to ascertain and determine the Quantity of the said Lands and Grounds belonging to each of the Owners or Proprietors thereof.

Tenants to  
pay the  
Taxes and  
deduct them  
out of the  
Rent.

**A**ND to the end that the said Rates and Taxes may be more easily and effectually collected and received, **Be it further Enacted** by the Authority aforesaid, That all and every the Tenants and Occupiers of the said Fen Lands and Low Grounds which shall be assessed or rated by virtue of this Act, shall and are hereby authorized and required to pay all and every such Sum and Sums of Money as shall be so assessed, or rated on the said Lands and Grounds, in their respective Occupations, and to deduct and retain out of his or their Rent, all such Sum and Sums of Money as they shall so respectively pay as aforesaid, and the several and respective Landlords or Owners of such Lands and Grounds, are hereby required to allow such Deduction and Payment upon Receipt of the Residue of their Rents, and that every such Tenant or Occupier paying such Assessment or Rate, shall be acquitted and discharged of so much Money as the said Assessment or Rate shall amount unto, as fully and effectually as if the same had been actually paid to his, her or their Landlord or Landlords.

Lessees not to  
be allowed  
to deduct the  
Taxes.

**P**rovided, and it is hereby further **Enacted and Declared** by the Authority aforesaid, That no Lessee or Tenant of any Lands or Grounds, charged with the said Rates, Taxes or Assessments, who shall hold the same by virtue of or under any Lease, from any Bishop or Collegiate Church or College, or any Ecclesiastical Corporation, sole or aggregate, or by virtue of or under any other Lease or Agreement whatsoever, other than and except Leases at Will, Parole and other Leases, and Agreements for Leases, for One Year only, or of which there shall be at the Time of passing of this Act One Year only unexpired, shall be intitled to deduct the said Rates, Taxes or Assessments chargeable by this Act, or any of them, out of the Rent reserved and payable by any such Lease or Agreement to his, her or their Landlord or Landlords, but the said Rates, Taxes and Assessments, shall be charged upon and borne and paid by the Lessees or Tenants so holding such Lands or Grounds, under any such Lease or Agreement as aforesaid, any thing herein contained to the contrary thereof, notwithstanding.

Manner of  
recovering  
Rates.

**A**nd be it further **Enacted** by the Authority aforesaid, That in case Default shall be made, by any Person or Persons assessed, rated, taxed and charged as aforesaid, in his, her and their respective Payments, by the Space of Twenty Days next after the Time limited for the Payment thereof, and demand made by the Collector or Collectors, Receiver or Receivers thereof, by Notice in Writing of such Demand left at the usual Place of Abode of the Person or Persons who

who is, are or ought to pay the same, or in Case such Person or Persons shall not at that Time have any Place of abode within the Parish, wherein any Part of the Lands for or in respect of which he, she or they shall be so assessed and rated as aforesaid shall lie, then by such Notice to be affixed upon the Church Door of the Parish where such Lands shall lie, it shall and may be lawful to and for such Collector or Collectors, Receiver or Receivers, or for any other Person or Persons by virtue of any Warrant or Precept, under the Hands and Seals of any Two or more of the said Commissioners, which said Warrant or Precept, such Commissioners, or any Two or more of them, are hereby empowered and required from time to time to make as there shall be occasion, to enter into and upon the Lands and Grounds so rated and taxed as aforesaid, in possession of such Person or Persons as shall so make default in Payment as aforesaid, and all Messuages and Tenements thereupon standing, and to levy the Sum or Sums of Money by him, her or them payable for such Rate or Tax, by Distress of the Goods, Chattels and Cattle, which shall be found on the Premises so charged with any such Rate or Tax so in Arrear as aforesaid, and that in Case no sufficient Distress can be found on the Premises it shall and may be lawful, to and for such Collector or Collectors, Receiver or Receivers, or other Person or Persons by virtue of such Warrant or Precept as aforesaid, to levy all Arrears of the said Rates or Taxes, by Distress of the Goods, Chattels and Cattle, of the Person or Persons so making default in Payment as aforesaid, which shall be found in any other Place within the Kingdom of Great Britain, and the Goods, Chattels and Cattle, so distrained to impound on the Premises, or take, lead, drive or carry away, and keep for the Space of Five Days at the Costs and Charges of the Owner or Owners thereof, leaving Notice in Writing of the Cause of such Distress, at the Messuage or Tenement, if any there be, standing upon or belonging to the Grounds and Premises on which such Distress shall be taken, and if there be no such Messuage or Tenement, then at the usual Place of Abode of the Person or Persons who is, are or ought to pay the said Rates or Taxes, or in Case such Person or Persons shall not at that time have any Place of Abode within the Parish wherein any Part of the Lands for or in respect of which he, she or they shall be so assessed and rated as aforesaid shall lie, then such Notice to be affixed upon the Church Door of the Parish where such Lands shall lie, and if the said Owner or Owners of the said Goods, Chattels and Cattle, shall not pay the Sum or Sums of Money so assessed, rated and distrained for as aforesaid, together with the Charges of making such Warrant, and taking such Distress and keeping and maintaining the same, or replevy the Goods, Chattels and Cattle so distrained, with sufficient Sureties according to the Laws now in force, for Distress in Case of Non-payment of Rent, within the said Five Days, that then the said Goods, Chattels and Cattle so distrained shall be appraised by Two or more indifferent Persons, to be sworn by the Constable or Headborough

of the Parish where such Distress shall be made, (who is hereby authorized and required to administer such Oath,) to appraise the same according to the best of their Judgment, and that after such Appraisement as aforesaid, the said Goods, Chattels and Cattle, shall be sold by the said Collector or Collectors, Receiver or Receivers, or other Person or Persons, for Payment of the said Sum or Sums of Money so assessed, rated and distrained for, and also of the said Charges, and likewise of appraising and selling such Distress; and that the Overplus arising from such Sale, if any be, over and above the Sum or Sums so assessed, rated and distrained for, and the aforesaid Charges, shall be returned on demand to the Owner or Owners thereof.

**When Lands untenant ed to remain a Security for the Taxes.** **P**rovided always, and it is hereby further Enacted and Declared, That in Case any of the said Lands and Grounds shall at any Time hereafter be untenant ed or unoccupied, so that no sufficient Distress can be made, for levying the said Rates and Taxes, then the Lands and Grounds chargeable therewith shall always remain a Security for Payment thereof, and all Goods, Chattels and Cattle, which shall at any Time thereafter be found thereon, shall and may be distrained, impounded, kept, appraised and sold in manner aforesaid, until all Arrears of the said Rates and Taxes, and the Charges of such Distress shall be fully paid and satisfied.

**For borrow ing Money.** **A**nd forasmuch as the said Assessments, Rates and Taxes so to be charged and collected as aforesaid, will not be sufficient to defray the immediate Expence of making the several Works necessary for the draining and speedy Improvement of the said Fen Lands and Low Grounds, **B**e it further Enacted by the Authority aforesaid, That the said Commissioners, or any Five or more of them, shall and may and are hereby empowered from time to time pursuant to an Order for that Purpose, to be made at any of the said General Meetings to be held as aforesaid, Seven of the said Commissioners, Owners of the said Lands and Fen Grounds being so present and consenting thereto, to borrow and take up at Interest any Sum or Sums of Money, not exceeding in the whole the Sum of One thousand Five hundred Pounds, which they shall think necessary for the making, carrying on and maintaining of the said Work, and by Writing under their Hands and Seals to mortgage or assign the said Assessments, Rates, Taxes and Sums of Money, or any Part thereof, (the Costs and Charges of which Mortgage or Assignment shall be borne and paid out of the said Taxes) for any such time or times, or Number of Years, and in such Manner and Form as to the said Commissioners, or any Five or more of them, shall seem meet, as a Security for any such Sum or Sums of Money so borrowed, to such Person or Persons, his, her or their Trustee or Trustees, as shall advance the same, with Interest for the same, not exceeding the Sum of Five Pounds, *per Centum per Annum*, and that Copies of all such Mortgages and

and Assignments shall be entered in a Book or Books to be kept for that Purpose, by the Clerk or Clerks to the said Commissioners, and that it shall and may be lawful for all and every Person and Persons to whom any such Mortgage or Assignment shall be made as aforesaid, or who shall be intitled to the Money thereby secured, by Indorsement on his, her or their Security or Securities, or otherwise, to assign or transfer his, her or their Mortgage or Security, and Right to the Principal Money and Interest thereby secured, and that such Assignment or Transfer shall be produced and notified to the said Clerk or Clerks, within Three Calendar Months after the Date thereof, and that the said Clerk or Clerks shall cause an Entry or Memorial thereof to be made, containing the Date of such Assignment or Transfer, Names of the Parties thereto, and the Sum or Sums of Money therein mentioned to be assigned or transferred, in the said Book or Books to be kept for entering the said original Mortgages and Assignments, for which he or they shall be paid the Sum of Two Shillings and Six-pence, and no more, and that after such Entry made, such Assignment or Transfer shall intitle such Assignee or Assignees to the Benefit and Payment thereon, and that every such Assignee or Assignees shall and may in like Manner from time to time assign or transfer, and all and every Person and Persons to whom such Mortgage, Transfer or Assignment shall be made as aforesaid, shall be in Proportion to the Sum or Sums therein mentioned, Creditors on the said Assessments, Rates, Taxes and Sums of Money in equal Degree one with another, and shall have no Preference in respect to the Priority of advancing any such Money, and that the said Money so borrowed shall be applied in the First Place towards paying and discharging the Costs, Charges and Expences of obtaining and passing this Act, and then in making, effecting and maintaining the said Work, of draining and improving the said Fen Lands and Low Grounds described as aforesaid, and to and for no other Intent or Purpose whatsoever.

**And it is hereby further Enacted and Declared, That the Taxes vested in Creditors:**

Rates, Taxes and Sums of Money by virtue hereof to be assessed upon and paid by the Owners or Occupiers of the said Lands and Grounds shall be charged and chargeable in the First Place with and for the Payment of all and every such Sum and Sums of Money so to be borrowed as aforesaid, and the Interest thereof, from time to time, and shall vest in the respective Creditors upon Default of Payment of such Principal Money and Interest, until the same shall be fully paid and satisfied, together with the Costs and Charges occasioned by the Non-payment thereof, and the said Creditors respectively, their respective Executors, Administrators and Assigns, shall have the same Power, Rights and Privileges of raising and recovering the Rates, Taxes and Sums of Money payable by the Owners or Occupiers of the said Lands and Grounds for and in respect of such Principal Money and Interest, if Default shall be made in Payment thereof, as the said Commissioners or their Collector or Collectors could have had

had in case the said Principal Money and Interest had been regularly paid and satisfied.

*Writings may be without Samps.* And it is hereby further Enacted by the Authority aforesaid, That no Mortgage, Assignment, Transfer or other Security for the borrowing of Money, or Assignment of such Mortgage or Security, or any Nomination, Information, Contract, Warrant, Judgment or other Writing in pursuance of or relating to the Execution of this Act, shall be chargeable with any Stamp Duty whatsoever.

*Punishing Persons destroying the Works.* And it is further Enacted, That all and every Person or Persons who shall at any time or times hereafter wilfully and maliciously cut, throw down, burn or otherwise destroy any Bank, Mill, Engine, Flood-gate or Sluice already made or erected, or which shall at any Time hereafter be making and erecting, or made or erected for the draining or improving the said Fen Lands or Low Grounds as aforesaid, or any Part thereof, and shall thereof be lawfully convicted, shall be guilty of Felony and liable to be transported as a Felon for Seven Years, and if any Person or Persons shall at any Time hereafter, maliciously destroy, stop, dam up, spoil or damage any Drain, Water-course, Door, Dam, Bridge or other Work or Works, already made or erected, or which shall at any Time hereafter be making or erecting, or made or erected for answering the Purposes aforesaid, all and every Person and Persons so offending, being thereof convicted before Two or more Justices of the Peace for the said Isle of Ely, who are hereby authorized and required to hear and determine the same, on the Oath of One or more credible Witness or Witnesses, or on the Confession of the Party offending, shall forfeit for every such Offence any Sum not exceeding Fifty Pounds, nor less than Five Pounds, as the said Justices shall order and direct, to the said Commissioners, to be applied to the Purposes for which the said Assessments, Rates and Taxes are hereby directed to be applied, and to be levied by Distress and Sale of the Goods, Chattels and Cattle of all and every such Offender or Offenders, by Warrant under the Hands and Seals of any Two or more of the said Justices of the Peace before whom such Conviction shall be made, and in default of such Distress or Payment the Person or Persons so offending shall by the said Justices be committed to the House of Correction for the said Isle of Ely, there to be kept to hard Labour for such Time as the said Justices shall order and direct, not exceeding Three Months, at the Discretion of the said Justices by whom such Commitment shall be made.

*Books of Assessments to be kept.* And to the End that it may appear clearly what is raised from time to time by virtue of the said Assessments or Rates, and how the same hath been applied, and that all Accounts relating to the Monies raised and disbursed by virtue of this Act, may be fairly examined, Be it further Enacted by the Authority aforesaid, That the

the said Commissioners shall order and cause a Book of Assessments to be made and kept, and all the Rates and Assessments made as aforesaid under this Act, to be fairly entered therein, and also a Book of Accounts to be made and kept, and an Account of all the Receipts and Disbursements relating to all Monies received or disbursed by virtue of this Act, to be fairly entered in the same, and that no Account shall be passed and allowed unless the same shall be kept and made up in such Books as aforesaid, and that Once in every Year, to wit, at One of the said General Meetings, they the said Commissioners assembled at such Meeting, shall carefully inspect and examine all Receipts and Disbursements of all such Monies as shall be collected, received and disbursed by virtue of this Act, to the Twenty-fifth Day of *March*, then next before such Meeting, and all Vouchers relating to the same, and that upon Inspection and Examination of the said Accounts, upon Oath, to be administered by any One or more of the said Commissioners, (which Oath any One or more of the said Commissioners, are hereby empowered to administer) the said Commissioners shall and are hereby empowered and directed to allow and pass the said Accounts, or such Part or Parts thereof as shall appear to them just and reasonable, and the said Accounts or such Part or Parts thereof as shall be so allowed by the said Commissioners, under their Hands, shall be fairly entered in a Book or Books to be kept for that Purpose by the said Commissioners, which Book or Books shall and may be inspected and perused at all seasonable Times, by any Owner or Owners of any Part of the said Fen Lands and Low Grounds, without Fee or Reward.

**And be it further Enacted and Declared** by the Authority Proceedings aforesaid, That all Orders and Proceedings of the said Commissioners, at their said several Meetings shall be entered in a Book or Books to be kept for that Purpose, and such Orders and Proceedings so entered, shall be signed by the Commissioners then present, or the major Part of them, and such Orders so signed shall be deemed and taken to be original Orders as fully and effectually as if the same were under the Hands and Seals of the said Commissioners, and that such Book or Books shall and may be inspected and perused at all seasonable Times by any Owner or Owners of the said Fen Lands and Low Grounds without Fee or Reward, and shall and may be produced and read in Evidence in all Cases of Suits or Actions, touching any thing done in pursuance and by the Authority of this Act.

**And it is hereby further Enacted** by the Authority aforesaid, Occupiers of That all Owners and Occupiers of the Lands and Grounds, so Lands to bounded and described as aforesaid, shall make and from time to maintain time, and at all Times hereafter maintain and keep all the Out-ring their out Fences. or Division, Dikes or Drains, of or belonging to their said respective  
D Lands

Lands and Grounds, Nine Feet wide, and of a sufficient Depth from the level Soil, and shall also from time to time and at all Times hereafter cause the same Dykes or Draits to be well and effectually roaded, scoured and cleansed from Weeds, and other Rubbish and Obstructions, and also cause Bridges or Tunnels to be laid over the said Dykes and Drains, where the said Commissioners, at any of their said Meetings, shall judge necessary, for the better issuing, running and conveying away the Waters therein; and if any such Owner or Occupier shall refuse or neglect to make or keep such his or her Dykes or Drains of the Dimensions aforesaid, or to road, scour or cleanse the same from Weeds or other Rubbish or Obstructions, or to lay down such Tunnels or Bridges as aforesaid, after Fourteen Days Notice to him or her given, or left at his or her usual Place of Abode (or in case he or she shall not at that Time have any Place of Abode within the Parish where the said Lands shall lie, to which such Drains or Dykes, Bridges or Tunnels shall appertain or belong, then such Notice to be affixed on the Church Door of the Parish where such Lands shall l.e) in Writing under the Hands of any Two of the said Commissioners, then the said Commissioners shall and may, and they are hereby authorized and required to cause the same to be done in a proper and effectual Manner, and by Warrant under their Hands and Seals, to authorize and empower their Collector or Collectors, or any other Person or Persons, to levy and raise the Money expended in doing thereof, by Distress and Sale of such Goods, Chattels and Cattle as shall at any time thereafter be found on the Lands and Grounds to which such Drains or Dykes, Bridges or Tunnels, shall appertain or belong, and the Person or Persons to whom such Warrant or Warrants shall be directed shall and may levy the Money so expended, by Distress and Sale of the same Goods, Chattels and Cattle, together with all incident Charges, in the same Manner as the said Rates, Taxes and Assessments are herein before directed to be levied, rendering the Overplus, if any be, to the Owner or Owners thereof.

Owner of adjoining Lands lying contiguous and adjoining to the said Fen Lands and Low Grounds, bounded and described as aforesaid, and for several Years at his own Cost and Charge has maintained and repaired the several Out-ring Banks thereof, Be it therefore Enacted by the Authority aforesaid, That the said Thomas Awdley, his Heirs and Assigns, Owners and Proprietors of the said imbanked Lands, and every of them, and all and every other Owner and Owners, Proprietor and Proprietors of the said Lands, shall from time to time and at all Times, maintain, repair, and keep up all and every of their said Out-ring Banks in a good and defensible State and Condition, and if at any Time or Times hereafter, any Breach or Breaches shall be made in any of the said Banks, or any overflowing thereof shall happen, and the said Thomas Awdley, his Heirs or Assigns, Owners and Proprietors of

of the said Lands, or any other Owner or Proprietor thereof, shall not as soon as conveniently may be, upon Notice given to him, her or them, or left at his, her or their usual Place or Places of Abode, raise and repair the said Bank or Banks, so as to prevent the Waters from running through or overflowing the same; that then and in every such Case, the said Commissioners, or any Two or more of them, shall and may, and they are hereby required to cause the same to be repaired in a proper and effectual Manner, and they, or any of them, their or any of their Agents, Servants or Workmen, shall and may for that Purpose enter upon the said Lands, and also that they the said Commissioners, or any Two or more of them, shall and may in such Case, by Warrant under their Hands and Seals, authorize and empower their Collector or Collectors, or any other Person or Persons, to levy and raise the Money expended in repairing thereof, by Distress and Sale of the Goods, Chattels and Cattle of the said *Thomas Audley*, his Heirs or Assigns, Owners and Proprietors of the said Lands, or of any other Owner or Proprietor, or any Occupier or Occupiers thereof, and the Person or Persons to whom such Warrant shall be directed, shall and may levy the Money so expended, together with all incident Charges, by Distress and Sale of the same Goods, Chattels and Cattle, in the same manner as the said Rates, Taxes and Assessments, are herein-before directed to be levied, rendering the Overplus (if any be) to the Owner or Owners thereof.

**Provided always, and it is hereby further Enacted** Saving Rights  
by the Authority aforesaid, That this Act or any thing herein con-  
tained, shall not extend or be construed to extend, to empower the  
said Commissioners, or any of them, to have, use, or exercise any  
Power or Authority over, or to intermeddle with any of the Sewers,  
Drains or Works already made, or hereafter to be made by the  
Governor, Bailiffs and Commonalty, of the Company of Conserva-  
tors of the great Level of the Fens, called *Bedford Level*, by virtue  
of an Act of Parliament, made in the Fifteenth Year of the Reign  
of King *Charles the Second*, intituled, *An Act for settling the draining*  
*of the Fens, called Bedford Level*; or by virtue of any other Act or  
Statute whatsoever, or to invalidate, lessen, diminish, alter, or take  
away, any of the Rights, Powers and Authorities, vested in the said  
Governor, Bailiffs and Commonalty, or in the said Governor, Bailiffs  
and Conservators, except the Powers and Authorities herein-before  
given, for setting up Mills upon, and for draining and conveying  
the Waters from the said Lands and Grounds, abutted and bounded  
as aforesaid, into the said River *Nene*, through the Banks thereof,  
but that all Rights, Powers and Authorities whatsoever, which by  
virtue of the said Act, made in the Fifteenth Year of the said King  
*Charles the Second*, or any other Act or Statute whatsoever, now are  
vested in the said Governor, Bailiffs and Commonalty, or in the said  
Governor, Bailiffs and Conservators, or any of them, shall, except

of Governors,  
&c. of *Bedford*  
*Level*.

as is herein-before excepted, for ever hereafter, remain, continue, and be in the said Governor, Bailiffs and Commonalty, and in the said Governor, Bailiffs and Conservators, and every of them, as fully and amply to all Intents and Purposes, as if this Act had never been made.

Saving Right  
of the River  
Nene Com-  
missioners.

**P**rovided also, and it is hereby further Enacted and Declared, That the said Commissioners shall and do from time to time make up and repair all such Breaches as shall be made in the said Banks, or on the Sides thereof, by their said Works, or any of them, and leave upon the said Banks sufficient Haling-ways and Towing-paths, for towing and drawing with Men and Horses, Barges and other Vessels, passing through or upon the said River; but that nothing herein contained shall extend or be construed to extend, to lessen or take away the Right of the said Corporation of *Bedford Level*, in or over the said Banks, and that this Act or any thing herein contained, shall not extend or be construed to extend, to invalidate, lessen, diminish, alter, or take away any of the Rights, Powers and Authorities, vested in the Commissioners, appointed in and by an Act of Parliament, passed in the Twenty-seventh Year of the Reign of his late Majesty King George the Second, intituled, *An Act for preserving and improving the Navigation from Salter's Load Sluice, in the County of Norfolk, to Stand Ground Sluice, in the County of Huntingdon, and from Flord's Ferry, in the Isle of Ely, in the County of Cambridge, to Ramsey High Load, in the said County of Huntingdon; and also the Navigation from Old Bedford Sluice, in the said County of Norfolk, to the River Nene, in the Parish of Ramsey, in the said County of Huntingdon;* except the Powers and Authorities herein-before given, for setting up Mills upon, or for draining and conveying the said Waters from the said Lands and Grounds so described and bounded as aforesaid, into the said River *Nene*, through the Banks thereof; but that all Rights, Powers and Authorities whatsoever, which by virtue of the said Act, passed in the said Twenty-seventh Year of the Reign of his said late Majesty King George the Second, now are vested in the said Commissioners hereby appointed, or any of them, shall, except as herein-before excepted, for ever hereafter, remain, continue, and be in the said Commissioners, and every of them, as fully and amply to all Intents and Purposes as if this Act had never been made.

Limitation of  
Actions.

**A**nd be it further Enacted by the Authority aforesaid, That if any Action, Suit or Information, shall be commenced or prosecuted against any Person or Persons, for any thing done or to be done in pursuance of this Act, or in the Execution of any of the Powers and Authorities hereby given, every such Action or Suit shall be commenced within Six Months next after the Fact committed, and not afterwards, and shall be laid and brought in the said Isle of *Ely*, or in the County of *Cambridge*, and not elsewhere, and the Defendant or Defendants in such Action or Actions, Suit or Suits,

Suits, shall and may plead the General Issue, and if in replevin; justify and avow, by virtue of this Act, as Persons acting by Authority of Commissioners of Sewers, are enabled to do; and shall and may without specially pleading the same, other than as aforesaid, at any Trial to be had thereupon, give this Act and the special Matter in Evidence, and that the same was done in pursuance and by the Authority of this Act, and if the same shall appear to have been so done, or if any such Action or Suit shall be brought after the Time herein-before limited, for bringing the same, or shall be brought or laid in any other County or Liberty, than in the said County of Cambridge, or in the Liberty of the said Isle of Ely, then the Jury shall find for the Defendant or Defendants, Avowant or Avowants, or if the Plaintiff shall become nonsuit, or forbear Prosecution, or discontinue his, her, or their Action or Actions, Suit or Suits, or if any Verdict shall pass, or upon Demurrer, or otherwise, Judgment be given against the Plaintiff or Plaintiffs, then or in any of these Cases, the Defendant or Defendants, Avowant or Avowants, shall recover Treble Costs, and have such and the like Remedy for the same, as where Costs by Law are awarded.

**And be it further Enacted** by the Authority aforesaid, That Public Act, this Act shall be deemed, taken, and allowed to be a Public Act, and all Judges, Justices, and other Persons, are hereby required to take Notice thereof as such without specially pleading the same.

A. C. T.

FOR

Draughting and preserving certain Fen  
Lands and Low Grounds, in Ladus  
Fen, in the Isle of Ely.

[ 1771. ]

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